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Dr. Daniel J. LaVista, Executive Director
State Council of Higher Education
James Monroe Building
101 North 14th Street
Richmond, VA 23219

Jane D. Chaffin, Registrar of Regulations
Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219

Re: Guidelines for Determining Domicile and Eligibility for In-State Tuition Rates
8 VAC 40-120-10 *et seq.*

Dear Dr. LaVista and Ms. Chaffin:

Based on my review of the code and information provided from SCHEV staff I find that the above-referenced guidelines were never properly promulgated as regulations. They were, in fact, erroneously presented to the Registrar of Regulations as being regulations, and thus included in the Virginia Administrative Code. It appears that this action was a technical error within the meaning of Virginia Code § 2.2-4006(A)(3), and that removal of the guidelines from the Virginia Administrative Code is exempt from the Administrative Process Act.

If you have any questions to me concerning this matter, please do not hesitate to contact me at 804-371-8721.

Respectfully,

Jake A. Belue
Assistant Attorney General